

**Enrolled Minutes of the Fifth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, February 22, 2016**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, February 22, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to a work commitment. Councilor Bernie Zemen was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council, Town Clerk-Treasurer, the Town Attorney, the Police Pension Secretary Kenneth Balon, and the Assistant Police Chief Pat Vassar discussed a recent request and recommendation for allow for the widow of recently deceased Richard Hawkins, a retiree under the 1925 Police Pension Plan, to receive a survivor's pension based upon the actual pension that Richard Hawkins was receiving prior to his passing. Richard Hawkins was receiving 54% of a First Class Patrol Officer annual salary plus 20 years longevity. Under the current ordinance, all surviving spouses receive 50% of a First Class Patrol Officer salary plus 20 years longevity. It was noted that the current ordinance provides an amount greater than the statutory minimum of 30%, and that there was language in IC 36-8-6-1.5, of the 1925 Police Pension Law, that bring the 1925 Pension law under the provisions of the Internal Revenue Code governing pension equity. It was noted that the Town Attorney needed to review the provisions to determine whether the request made could be authorized by the Town Council.

The study session ended at 7:05 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 22, 2016 at 7:06 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council Vice President, Dan Vassar presided as Acting President. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to a work commitment. Councilor Bernie Zemen was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; Patrick Vassar, Assistant Police Chief; Bob Johnsen, Assistant Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation;

Kenneth J. Mika, Building Commissioner; and Cecile Petro, Redevelopment Director were present.

Also present: Susan Murovic, Advisory Board of Zoning Appeals; Randy Bowman, Assistant Inspector for Electrical Code; and Ed Dabrowski IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 08 February 2016 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2016 Budget for the *Gaming Revenue Sharing Fund* in the amount of \$124,900 and the *Park Non-Reverting Capital Fund* in the Amount of \$150,000.

(a) Attorney verification of Proofs of Publication: The TIMES 11 February 2016. The Town Attorney indicated that the proof was in compliance with IC 5-3-1.

(b) **Public Hearing.** The acting Town Council President called the hearing to order. There were no comments or remonstrances written or spoken. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2016-10:** An Enactment Appropriating Additional Moneys in Excess of the 2016 Budget for the *Gaming Revenue Sharing Fund* in the amount of \$124,900 and the *Park Non-Reverting Capital Fund* in the Amount of \$150,000, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced **Appropriation Enactment No. 2016-10.** There was no further action.

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2016 Budget for the *Municipal Cumulative Capital Development (MCCD) Fund* in the amount of \$93,484.

(a) Attorney verification of Proofs of Publication: The TIMES 11 February 2016. The Town Attorney indicated that the proof was in compliance with IC 5-3-1.

(b) **Public Hearing.** The acting Town Council President called the hearing to order. There were no comments or remonstrances written or spoken. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2016-11:** An Enactment Appropriating Additional Moneys in Excess of the 2016 Budget for the *Municipal Cumulative Capital Development (MCCD) Fund* in the amount of \$93,484, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced **Appropriation Enactment No. 2016-11.** There was no further action.

Unfinished Business and General Orders:

1. **Works Board Order No. 2016-07:** An Order of the Works Board Finding And Determining Certain Personal Property Of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired and Deemed Worthless and of No

Market Value, And Further Authorizing And Approving Disposal Or Transfer Of Said Property.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2016-07. Councilor Herak seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
BOARD of WORKS ORDER NO. 2016-07

AN ORDER FINDING And DETERMINING A CERTAIN ITEM OF PERSONAL PROPERTY OF THE MUNICIPALITY AS NO LONGER NEEDED FOR THE PURPOSES FOR WHICH ORIGINALLY ACQUIRED AND HAVE BEEN DEEMED WORTHLESS AND OF NO MARKET VALUE, AND FURTHER AUTHORIZING AND APPROVING DISPOSAL OR TRANSFER OF SAID PROPERTY

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

WHEREAS, The Town Council has been advised by the Public Works Department (Agency) that an item of personal property particularly, a *Monroe Brand Salt Spreader*, owned by the municipality are no longer needed for the purposes for which it was originally acquired, pursuant to IC 5-22-22; and

WHEREAS, The Assistant Public Works Director has recommended that disposal of the personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.;

WHEREAS, The Assistant Public Works Director has further recommended that disposal of the personal property be executed by scrapping or "junking" the asset, finding it worthless, all pursuant to the provisions of IC 5-22-22-8; and

WHEREAS The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

(A) That there is a certain article of personal property possessed or owned by the municipality, that is no longer needed, unfit for the purposes for which it was acquired, pursuant to IC 5-22-22-3; or,

(B) That this certain article of personal property possessed or owned by the municipality, has been left in the custody of an officer or employee of the Town of Highland and has remained unclaimed for more than one (1) year, pursuant to IC 5-22-22-3; or,

(C) That there is a certain article of personal property possessed or owned by the municipality, that may be deemed worthless or of no market value as the estimated cost of the sale and transportation of the property exceeds the property value, pursuant to IC 5-22-22-8;

(D) That they this item of personal property is particularly described as a *Monroe Salt Spreader*, Model Number MSV-144-84-56/409AUG and Serial Number: 95-05-5549;

Section 2. That the Assistant Public Works Director is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by junking or scrapping it, pursuant to IC 5-22-22-8;

Section 3. That no notice of the disposal is necessary all pursuant to IC 5-22-22-6;

Section 4. That any and all proceeds yielded from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the proper fund.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 22nd day of February 2016, having passed by a vote of 3 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

- 2. Commendation Letter for Day Off and Signature Authorization.** Action to approve Letters of Commendation for exemplary public service leading to the award of a single paid day off for several workers in the Metropolitan Police Department, who are *Assistant Chief Patrick Vassar; Commander George Georgeff; Commander Ralph Potesta; Deputy Commander John E. Banasiak; Sergeant Timothy Towasnicki; Sergeant Michael O'Donnell; Sergeant Christopher Balbo; Corporal Mark Santino; Corporal Shawn Anderson; Corporal Glenn Cox; Corporal Gerardo Garza; Corporal Erich Swisher; Lance Corporal Greg Palmer; Officer Brian Orth; Detective Jason Hildenbrand; Officer David Byers; Officer Daniel Matusik; Detective Lee Natelborg; Detective Brian Stanley; Officer Michael Yonkman; Officer Darren Conley; and Officer Nicholas Vanni.* Pursuant to Section 4.13 of the Compensation and Benefits Ordinance, for the day off to be effective requires the approval of the board of jurisdiction and the Town Council. The Town Board of Metropolitan Police Commissioners has granted preliminary approval to several letters of commendation regarding several employees named here *who have worked six months without calling off and not having an At-Fault Accident.* Council action should include approval for the members of the Town Council to sign the letters of commendation.

Councilor Herak moved to approve the letters of commendation for the officers named and to further authorize the members of the Town Council individually to sign the letters. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The letters were approved and the councilors were authorized to sign.

NEW BUSINESS

Amending the Agenda. Councilor Herak moved that to amend the agenda to permit adding the consideration of authorizing the delayed opening of the Town Hall on Friday, February 26, 2016 until 1:00 p.m. and authorizing the attendance of municipal workers there to attend with pay the funeral of the Clerk-Treasurer's late father. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote of those in attendance being necessary, there were three affirmatives and no negatives. The motion passed. The agenda was allowed to be amended as moved.

Delayed Town Hall Opening, Friday, February 26, 2016. Councilor Herak moved, seconded by Councilor Kuiper to authorize the delayed opening of the Town Hall on Friday, February 26, 2016 to permit the attendance of municipal staff to remain at the Town Hall performing tasks as needed or to attend as authorized the funeral services of the Clerk-Treasurer's Dad. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The delayed opening and work authorization was approved.

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak expressed his condolences to the Clerk-Treasurer on the loss of his Dad. Councilor Herak noted that the Clerk-Treasurer's dad had been dealing

with a protracted illness from congestive heart failure and had been in declining health.

Councilor Herak acknowledged the Assistant Public Works Director who offered a brief report on the seeking proposals to replace the current fueling system at the public works facility. It was noted that the matter could not be advanced until Spring.

Councilor Herak acknowledged the Redevelopment Director who reported on a pending application for tax deductions under an Economic Revitalization Area for the property located at 8835 and 8845 Kennedy Avenue, which was the site of the former Finke's Nightclub.

Councilor Herak acknowledged the Building Commissioner s who reported on a pending matters before the Plan Commission.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner was absent.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported on several nine responses by the department in a period of 12 hours. The Fire Chief noted that some of these were attributable to high winds damage or incidents. The fire Chief further noted that the Fire Rescue Truck recently acquired by capital lease financing was being reading and would be ready soon.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison • IT Liaison • Redevelopment Commission Liaison.*

The Town Council President was absent.

- **Acting President Dan Vassar:** • *Liaison to the Park and Recreation Board.*

Acting President Vassar expressed condolences to the Clerk-Treasurer on the recent death of his Dad.

Acting President Vassar acknowledged the Parks and Recreation Superintendent, who reported that the Highland Rotary Club had presented a five hundred dollar (\$500) donation to the Highland Parks and Recreation Department to support a new fitness machine that had particular application for heart patients and similar users.

Acting President Vassar also noted a recent matter in which a resident indicated incorrectly that the website had not been updated to include recent minutes of the Redevelopment Commission meetings. He further noted that he had received an electronic mail message from that resident, who apologized attributing his mistake to a web browser problem that impaired his ability access the site and note the minutes being there.

The Acting President read aloud remarks expressing his disappointment regarding what he characterized as misinformation in discussions regarding the projects and programs of the Redevelopment Department often featured in some social media and his hope that the participants in these discussions exercise greater prudence, due care and judgment regarding these discussions in the future.

Comments from Visitors or Residents:

There were no comments from visitors or residents.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period February 09, 2016 through February 22, 2016 and the payroll docket for February 5, 2016. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket was allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$262,543.28; Motor Vehicle Highway and Street (MVH) Fund, \$49,257.79; Law Enforcement Continuing Education, Training, and Supply Fund, \$884.22; Corporation Bond and Interest Fund, \$275.00; Insurance Premium Fund, \$106,130.00; Information and Communications Technology Fund, \$7,219.25; Police Pension Fund, \$74,250.98; Municipal Cumulative Capital Development Fund, \$728.11; Traffic Violations and Law Enforcement Agency Fund, \$2,861.50; Total: \$504,150.13.

Payroll Docket for payday of February 5, 2016:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,733.36; Building and Inspection Department, \$7,259.13; Metropolitan Police Department, \$114,198.05; Fire Department, \$3,301.96; Public Works Department (Agency), \$66,973.75 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$207,466.25.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 22, 2016 was adjourned at 7:24 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer